



Terry Tamminen
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

MEMORANDUM

TO: Peter Siggins
Legal Affairs Secretary, Governor's Office

FROM: Terry Tamminen *Tamminen*
Secretary, Environmental Protection Agency

DATE: February 11, 2004

SUBJECT: Executive Order S-2-03 Reports

Pursuant to Executive Order S-2-03, Cal/EPA Boards, Departments and Office (BDO's) have conducted the following: 1) Reassessment of the regulatory impact on business of regulations pending on November 17, 2003, pursuant to Government Code section 11346.3; and 2) Review of regulations (adopted, amended or repealed) since January 6, 1999.

Each BDO has submitted their reports to the Office of the Secretary and describes in their reports their conformance with the Executive Order and the analysis of the economic impact on businesses in California. The Office of the Secretary has provided substantive review and approved the following enclosed reports:

Air Resources Board (ARB)
California Integrated Waste Management Board (CIWMB)
Department of Pesticide Regulation (DPR)
Department of Toxic Substances Control (DTSC)
Office of Environmental Health Hazards Assessment (OEHHA)
Office of the Secretary, Cal/EPA
State Water Resources Control Board (SWRCB)

The Office of Environmental Health Hazards Assessment's "Request to Resubmit Regulatory Package Subject to EO-S-02-03" is being submitted in lieu of the reassessment of regulations pending on November 17, 2003, as it was previously approved by the Secretary to request an exemption from the Department of Finance. This exemption was approved on January 30, 2004.

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If you have any questions, please contact Lisa Brown, Assistant General Counsel, Cal/EPA, at (916) 322-7310 or the contacts persons listed in the separate memos.

Enclosures

cc: Catherine Witherspoon ✓
Air Resources Board

Mark Leary
California Integrated Waste Management Board

Paul Helliker
Department of Pesticide Regulation

Ed Lowry
Department of Toxic Substances Control

Joan Denton
Office of Environmental Health Hazard Assessment

Celeste Cantu
State Water Resources Control Board



Terry Tamminen
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

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Arnold Schwarzenegger
Governor

MEMORANDUM

TO: Terry Tamminen
Agency Secretary
California Environmental Protection Agency

FROM: *MMS*
for Catherine Witherspoon
Executive Officer
Air Resources Board
Phone: (916) 445-4383
Fax: (916) 322-4743
E-mail: cwithers@arb.ca.gov

DATE: January 27, 2004

SUBJECT: AIR RESOURCES BOARD FINDINGS ON RULE REVIEWS
CONDUCTED PURSUANT TO EXECUTIVE ORDER S-2-03

February 13, 2004 is the deadline for reporting to the Governor's Legal Affairs Secretary on the reassessment of (1) all open rulemakings initiated on or before November 17, 2003; and (2) all regulations adopted, amended or repealed since January 6, 1999. Both reports are attached to this memorandum and are designated as Part A and Part B, respectively.

The ARB reviewed a total of 87 open and completed rulemakings and found four (4) rules in need of revision due to unreasonable burdens on regulated entities, higher than anticipated costs for compliance, or other implementation issues. Those four rules are: Transit Bus Standards adopted in January 2000; an Enhanced Vapor Recovery (EVR) Regulation for gasoline stations adopted in March 2000; the January 2001 amendments to the 1990 Zero Emission Vehicle (ZEV) Regulation; and the Diesel Retrofit Verification Procedure adopted by the Board in May 2002. For all four rules, ARB staff has already begun the rule revision process. For two of the four rules (EVR and ZEV), ARB staff and its Governing Board have fully completed the necessary corrections and submitted those revisions to the Office of Administrative Law. Regarding the status of the remaining two rules, amendments to the Diesel Retrofit Verification Procedure will be considered by the Board at its February 26-27, 2004 meeting. The Transit Bus rule is tentatively scheduled for amendment at the Board's June 24-25, 2004, meeting with public workshops now underway.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

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SUBJECT: AIR RESOURCES BOARD FINDING ON RULE REVIEWS CONDUCTED
PURSUANT TO EXECUTIVE ORDER S-2-03

All other *pending* rules are either open for public comment (in which case ARB staff is addressing any significant cost issues as they arise), or nearing submittal to the Office of Administrative Law with no unusual or outstanding issues that would justify halting or amending the rules. These rules are described in more detail in Part A of ARB's report.

All other *adopted* rules have been implemented without any significant problems and consistent with the cost projections in the initial and final statements of reasons. As a result, there is no compelling need to revisit them. These rules are summarized in Part B of ARB's report.

RECOMMENDATION: Secretary Tamminen approve the submitted reports and memorialize his approval by signing below so that ARB may share the reports' findings with the interested public.

CONTACT INFORMATION: Diane Moritz Johnston, General Counsel, Air Resources Board, (916) 323-9606; fax (916) 322-4743; email: djohnsto@arb.ca.gov

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SUBJECT: AIR RESOURCES BOARD FINDINGS OF RULE REVIEW CONDUCTED
PURSUANT TO EXECUTIVE ORDER S-2-03

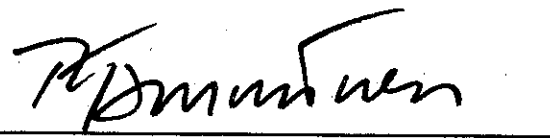
APPROVED:


General Counsel
Air Resources Board

27 January 2004
Date


for Director/Executive Officer
Air Resources Board

January 27, 2004
Date


Terry Tamminen
Agency Secretary

2/11/04
Date

**AIR RESOURCES BOARD REVIEW OF REGULATIONS
PURSUANT TO EXECUTIVE ORDER S-2-03**

PART A
Rulemakings Initiated
On or before November 17, 2003

PART B
Regulations Adopted, Amended or Repealed
Since January 6, 1999